



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: July 19, 2006

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Confirmation No: 1231

Serial No: 09/824,595

Group Art Unit: 2135

Filed: April 2, 2001

Examiner: Gyorfl, Thomas A.

For: METHOD AND SYSTEM FOR PROVIDING A TRUSTED
FLASH BOOT SOURCE

Mail Stop AF
Commissioner for Patents
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Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

**A. Claims 1-12 Are Not Unpatentable Under 35 U.S.C.
§ 103.**

Appellant respectfully submits that the applied rejections of claims 1-14 under 35 U.S.C. § 103 are without merit as the Examiner has completely failed to explain why U.S. Patent No. 6,678,833 (Grawrock) in view of U.S. Patent No. 6,161,177 (Anderson) teaches or suggests the method and system recited in claims 1-12. Independent claim 1 recites:

1. A method for evaluating a boot source in a computer system having a processor comprising:
determining the boot source used by the processor each time the computer system boots, the boot source determining further including writing an identity of the boot source, the identity of the boot source including a location of a particular number of instructions initially executed; and
allowing the boot source to be specified once as a known boot source.

Similarly, independent claim 6 recites:

6. A system for evaluating a boot source in a computer system having a processor coupled with a boot source, the system comprising:

a first register for storing an identity of the boot source used by the processor each time the computer system boots, the identity of the boot source including a location of a particular number of instructions initially executed; and a second register for allowing the boot source to be specified once as a known boot source.

Thus, claims 1 and 6 recite that *each time the computer system boots*, the identity of the boot source is determined. This determination includes writing the identity of the boot source, which includes the location of a number of instructions initially executed. Thus, each time the computer system boots, the boot source identity (including the location of instructions initially executed) is written. Consequently, it can be determined whether the boot source is a trusted boot source.

Grawrock in view of Anderson fails to teach or suggest writing an identity including the location of a number of instructions initially executed each time that the system boots. Grawrock discloses storing an identifier (the boot block identifier) for the boot source each time that the system starts up. This boot block identifier is a hash of “boot information.” Grawrock, col. 3, lines 57-61. Grawrock further states that the “‘boot information’ may be an image of the boot block code or multiple sub-images that collectively represent the boot block code, which is used to monitor the boot process.” Grawrock, col. 3, lines 45-50. Thus, the boot information corresponds to the boot code itself not than an identity that includes the location of a particular number of instructions initially executed.

Anderson is concerned with ensuring that the central processing unit (CPU) and BIOS are compatible. Anderson, Abstract. Anderson thus describes a system that reads “identifying data” for the BIOS. Anderson, col. 4, lines 50-54. However, Anderson specifically states that this “BIOS identifying data [is data] specifying the CPU or other chip set components corresponding to the BIOS program, i.e., the CPU that the BIOS program was designed to be executed by or the chip set components that the BIOS program was designed to operate with.” Anderson, col. 3, lines 5-

10. This identifying data is merely sufficient to determine whether the BIOS and hardware correspond to the same central processing unit and chip set. Anderson, col. 2, line 65-col. 3, line 20. This identifying data is, therefore, distinct from the recited identity of the boot source. Anderson describes reading the hardware identifying data and data that relates to the BIOS. Anderson, col. 4, lines 50-54. Anderson then checks the information that has been read to determine whether the BIOS and hardware match. Anderson, col. 4, lines 54-60. Based on whether the information indicates that the BIOS and hardware match, action may be taken. Anderson, col. 4, lines 60-62.

If the teachings of Anderson were added to those of Grawrock, then each time the system powers up, the system may store the boot block identifier of Grawrock, read the identifying information for the hardware and BIOS, and perform the test of Anderson to determine whether the hardware and BIOS are compatible. However, neither the boot block identifier of Grawrock nor the reading of BIOS and hardware information of Anderson include writing the recited identity of the boot source. Stated differently, even if the teachings of Anderson were combined with those of Grawrock, the combination would not write the identity of the boot source, including the location of a number of instructions initially executed, each time the computer system boots.

The supposition that the location of the boot code must be written somewhere in Grawrock and/or Anderson does not change this conclusion. Even if the location of the boot code is stored somewhere in Grawrock and/or Anderson, for example in order to allow the system to access the boot code, this does not teach or suggest writing the location of instructions initially executed each time the computer system boots. Applicant has found no indication in Grawrock or Anderson that the location of boot information is written *each time the computer system boots*. Applicant has also found no indication in Grawrock and Anderson that writing

such information each time the system boots would be necessary or desirable. As such, the combination of Grawrock and Anderson does not teach or suggest at least this element of claims 1 and 6. Consequently, Grawrock in view of Anderson fail to teach or suggest the method and system recited in claims 1 and 6, respectively. Accordingly, Applicant respectfully submits that claims 1 and 6 are allowable over the cited references.

Claims 2-5 and 7-12 depend upon independent claims 1 and 6, respectively. Claims 10 and 12-13 depend on independent claim 9. Consequently, claims 2, 4-6, 10, and 12-13 are allowable for the same reasons discussed above with respect to claims 1 and 9.

Accordingly Appellant respectfully requests that the Board reverse the final rejection of claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 under 35 U.S.C. § 103.

B. Summary of Arguments

For all the foregoing reasons, it is respectfully submitted that claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 (all the claims presently in the application) are patentable for defining subject matter which would not have been obvious under 35 U.S.C. § 103 or anticipated under 35 U.S.C. § 102(e) at the time the subject matter was invented. Thus, Appellant respectfully requests that the Board reverse the rejection of all the appealed claims and find each of these claims allowable.

Very truly yours,

July 19, 2006

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